UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

APEX TECHNOLOGY GROUP, INC., a Colorado corporation

Plaintiff,

vs.

MW Media, a foreign corporation, individually and d/b/a EPORNER.COM and EPRNCDN.COM; MARCIN WANAT, an individual and d/b/a EPORNER.COM and EPRNCDN.COM; MACIEJ MADON, an individual and d/b/a EPORNER.COM and EPRNCDN.COM; and John Does 1-20,

Defendants.

CASE NO. ____________________

COMPLAINT FOR DAMAGES, INJUNCTIVE RELIEF AND DEMAND FOR JURY TRIAL

Plaintiff, Apex Technology Group, Inc. (hereinafter referred to as "Plaintiff" or "Apex") by and through its counsel, file this complaint against Defendants MW Media, Marcin Wanat, Maciej

Madon, and the Doe Defendants (collectively hereinafter referred to as "Defendant" or "Defendants").

JURISDICTION AND VENUE

1. Plaintiff Apex Technology Group, Inc. is a Colorado corporation with its principal place of business in Lakewood, Colorado.

2. Defendant MW Media is a foreign civil law partnership operating out of Oświęcim, Poland. The partnership is made up of two persons, Marcin Wanat and Maciej Madon. MW Media owns and operates the web site Eporner.com and Eprncdn.com.

3. Defendant Marcin Wanat is a citizen of Poland, and an owner/partner of MW Media. Defendant Want is directly involved in the operation of the web site Eporner.com and Eprncdn.com.

4. Defendant Maciej Madon is a citizen of Poland, and an owner/partner of MW Media. Defendant Madon is directly involved in the operation of the web site Eporner.com and Eprncdn.com.

5. Defendant John Doe is an owner/partner of MW Media or an agent of MW Media involved in the operation of MW Media and Eporner.com and Eprncdn.com.

6. The Eporner.com domain name is held by WhoisProxy.com, using registrar Key-Systems GmbH. WhoisProxy.com is a U.S. corporation located in Alexandria, Virginia. Key-Systems GmbH is a German corporation with offices in Leesburg, Virginia.

7. The actual identity of all owners and operators of the Eporner.com domain name and/or its registrar are currently unknown as they are using WhoisProxy.com to shield themselves.

8. The Eprncdn.com domain name is held by Domains By Proxy, LLC using registrar GoDaddy.com, LLC. Domains By Proxy, LLC and GoDaddy.com, LLC are Arizona corporations with headquarters located in Scottsdale, Arizona.

9. The actual identity of all owners and operators of the Eprncdn.com domain name is currently unknown as they are using Domains By Proxy, LLC to shield themselves.

10. Defendant MW Media is listed with the United States Copyright Office as the owner and operator of Eporner.com, with a listed address in Hong Kong. However, upon information and belief, that address is a straw address, with operations actually located in Poland.

11. Although MW Media is represented with the U.S. Copyright Office as the owner and operator of Eporner.com, the fact that the identity of the registrar is protected through a privacy service means that it is likely another party, John Doe, is also involved in the operation of the site.

12. Defendants MW Media, Wanat, Madon, and Doe anticipate and/or expect notification from United States Copyright holders, registered Eporner.com as an Internet Service Provider and contracts with Incorporate Now, Inc., a Florida company, for services as a DMCA Registered Agent to accept notifications of infringement for Eporner.com.

13. Defendants knowingly and purposefully market to the entire United States, including residents of this District.

14. Defendants have direct and indirect contractual relationships with United States entities and vendors, each with purpose of reaching United States Internet users.

15. Defendants utilize at least one server in Canada for purposes of efficient, effective, and fast display to United States Internet users.

16. Defendants utilized Eprncdn.com (from the Canadian server) to serve and display videos on Eporner.com to United States Internet users. Eprncdn.com is registered with GoDaddy.com, a United States company.

17. United States Internet users make up the largest market for Eporner.com. According to Similarweb.com, an industry trusted web site analytics company, between August 2016 and February 2017, Eporner.com averaged approximately 30 million users *per month*. Of these users, the United States made up the largest market at 15.92%, with the next largest market as Germany at 7.95%.

18. Operators and/or owners of Internet web sites, earning money directly from the volume and quality of Internet traffic visiting the site, are aware of and are purposeful in the geographical location of the Internet traffic being directed and/or purchased to and for the site. The United States market is the most valuable Internet traffic in the world, thus revenue generated for selling advertisement to the U.S. market is the largest in the world. Therefore, owners and operators of Internet web sites that generate revenue from advertising on their web sites purposefully direct the site and market to United States Internet users. Eporner.com is such a web site.

19. Defendants utilize a “webmaster” program where independent contractors termed “affiliates” receive payment for directing Internet traffic to Eporner.com. Based on information and belief, Defendants contract with affiliates in the United States and this District. Defendants or Defendants agents compensate the affiliates through PayPal, a United States company.

20. Defendants offer live web cam services to its users on a paid basis from Chaturbate.com. Based on information and belief, the operators of Eporner are paid as an affiliate

based on the number of sales they generate to Charturbate.com. Charturbate.com is owned and operated by Multi Media LLC, a company based in Lake Forest, California.

21. The Court has personal jurisdiction over the Defendants, who have engaged in business activities in and directed to this district, and have committed tortious acts within this district or directed at this district.

22. Any alien defendant is subject to jurisdiction in any district. See 28 U.S.C. 1391 ("An alien may be sued in any district.") See also Fed. R. Civ. P. 4(k)(2).

23. This Court has subject matter jurisdiction over Plaintiff's federal claims pursuant to 17 U.S.C. § 101 et seq., 28 U.S.C. §1331 and 28 U.S.C. §1338.

24. Venue is appropriate in this District pursuant to 28 U.S.C. § 1391(b) and/or (c).

25. This Court has personal jurisdiction pursuant to 28 U.S.C. §§ 1391(b), (c) and/or (d) and 28 U.S.C. § 1400(a).

PARTIES

26. The named Plaintiff is the rightful copyright, trademark, and intellectual property owner of the respective United States copyrights, trademarks and intellectual property that is the basis for this action.

27. Apex Technology Group, Inc. ("Apex") is a Colorado based Corporation with its principal place of business in Lakewood, Colorado.

28. Apex produces adult audiovisual material, which it distributes through pay-per-view and the World Wide Web through its two-paid membership based web sites operating under its known trademarked registered brands, including "Naughty Allie."

29. Apex Technology Group, Inc. is a husband and wife owned and operated corporation. The company runs two adult entertainment websites that focus on the swinger lifestyle

and solo model niche and an affiliate program located at naughtybank.com. This small, yet popular team has 168 videos in their library.

30. Apex engages in extremely limited licensing of its content to other entities or websites for viewing, in addition to the small sample of promotional materials provided to their affiliates for the sole purpose of those affiliates' promoting Apex properties. Any licensing is done with the intent for brand exposure and is limited to a small subset of hand-selected content. Predominantly, the Apex business model is simply that a user must be a paid member to an Apex site to view Apex works.

31. Apex holds 165 U.S. registered Copyrights for its audiovisual work and two Trademarks for its brands, including for all works listed in this Complaint.

32. Plaintiff is the respective producer, distributor, and exclusive licensor of its own motion pictures in the United States as well as throughout the world.

33. Plaintiff has registered with the United States Copyright Office the copyrighted works identified in this Complaint. Plaintiff's watermark their videos with Plaintiff's readily identifiable site names and/or logos and place additional credit information at the beginning and end of video productions.

34. Plaintiff's "Naughty Allie" trademark and service mark has been continuously used in commerce since April 2010. U.S. Trademark Registration No. 4004704 was registered on August 2, 2011.

35. Plaintiff has expended considerable effort and expense in promoting its trademark and the goods sold under the trademark Naughty Allie. As a result, the purchasing public has come to know, rely upon and recognize the mark Naughty Allie as an international brand of high quality adult entertainment.

36. Plaintiff's "Jake Chase" trademark and service mark has been continuously used in commerce since April 2010. U.S. Trademark Registration No. 4768278 was registered on July 7, 2015.

37. Plaintiff has expended considerable effort and expense in promoting its trademark and the goods sold under the trademark Jake Chase. As a result, the purchasing public has come to know, rely upon and recognize the mark Jake Chase as an international brand of high quality adult entertainment.

38. The production of pornography is one of the most scrutinized and policed legal enterprises in the country, where state, local and federal regulations all require manufacturers and distributors of such works to comply with a myriad of laws and record keeping rules. Producers navigate the various legal requirements at great expense in order to remain compliant, carefully building government-required databases that must be maintained for inspection even beyond the life` of the company. Plaintiff has meticulously complied with the various laws, rules, and regulations imposed upon production of legitimate adult entertainment. Legitimate producers do not "make" anyone do anything – only consenting adults participate. Both men and women participate in front of and behind the camera at jobs that require real skill and dedication. The Plaintiff only sells its final product to consenting adults through age-restricted channels.

39. Defendant MW Media is the owner and operator of Eporner.com, and is listed as such with the United States Copyright Office. MW Media is a foreign civil law partnership, with two partners, Marcin Wanat and Maciej Madon.

40. Defendant Marcin Wanat is one of the partners of MW Media, owner of Eporner.com. Wanat is an operator of Eporner.com.

41. Defendant Maciej Madon is one of the partners of MW Media, owner of Eporner.com. Madon is an operator of Eporner.com.

42. Defendant John Doe is an owner and/or operator of Eporner.com, and likely a partner in MW Media. Doe's identity is currently hidden through the use of privacy protection services.

43. John Doe Defendants' are the owner's and/or operators of Eprncdn.com. Doe's identities are currently hidden through the use of privacy protection services.

44. Defendants compete against Plaintiff in the distribution and sale of adults-only audio-visual works through Internet distribution and divert potential customers from Plaintiff.

45. Further, upon information and belief, Defendants directly financially benefit collectively or individually, from advertising revenue on Eporner.com. The presence of high quality and lengthy infringing videos by and/or through Eporner.com contributes to users returning to the site and thus the overall growth of its audience; that, in turn, allows the Defendants to command higher advertising rates and generate higher advertising revenue.

46. Defendants fail to honor take down notices delivered to their appointed DMCA Agent.

47. Defendants fail to implement a reasonable repeat infringer policy for repeat infringers on Eporner.com.

48. Defendants fail to qualify for safe harbor protections for copyright infringement liability under the Digital Millennium Copyright Act.

49. Does 1-20 are individual or entities that own Eporner.com and/or act in concert with Eporner.com. The true names and capacities of which are presently unknown to Plaintiff. It is for that reason Plaintiff sues these Defendants by fictitious names. Plaintiff avers that each of the

Doe defendants, along with the named defendant, jointly or severally, is responsible for the damages alleged herein.

STATEMENT OF FACTS

50. Congress' implementation of safe harbor provisions in the Digital Millennium Copyright Act ("DMCA") provides true internet service providers with protection against liability for copyright infringement resulting from the actions and/or postings of their users. As a primary example, the safe harbor protections provide YouTube.com with protection from liability should one of its users post a copyright protected video without authority or license.

51. The DMCA safe harbor provisions have been systematically abused by internet copyright infringers in an attempt to garner protection for websites displaying copyrighted adult entertainment content without license or authority for free viewing to the public. Commonly, these websites attracted Internet user attention through the combination of offering free viewing of copyrighted materials and the unauthorized use of trademarks, providing the user a road to the free website through the use of these marks.

52. Eporner.com is such a pirate website, displaying copyrighted adult entertainment content without authorization or license.

53. Defendants registered the Eporner.com domain name on or about April 8, 2008. The current registrar of the domain name is Key-Systems GmbH, a domain name registrar located in Germany.

54. As Defendants were and are aware that they use the Eporner.com web site to infringe upon the rights of Plaintiff, and other content producers, they have utilizes a privacy service in an attempt to hide their identities.

55. The hosting company used by the Defendants for Eporner.com is Leaseweb, headquartered in Amsterdam, the Netherlands, with datacenters located in California, New Jersey, Texas, Illinois, Georgia and Seattle, Washington. Though Eporner can state on their WHOIS information page that they are using Leaseweb in the Netherlands, this does not mean that the content and services are actually in the Netherlands but rather, the company Leaseweb is in the Netherlands. Further, Eporner is also using OVH for content delivery services. OVH is based in Montreal, Canada.

56. Eporner.com operates as a mega-theater displaying content of Plaintiff and other content producers free of charge to the user and with no compensation to Plaintiff or other content producers. Defendants generate significant revenue through Eporner.com solely through the sale of advertising space on the pages of the web site. More traffic generated on Eporner.com means more revenue generated through sale of advertising space.

57. Eporner.com's popularity rests heavily on the quality, desirability, and length of the infringing content found on the site. Defendants purport Eporner.com to be a forum for Internet users to post and share their own original content, or content which they have intellectual property rights. However, in direct contradiction of this purported purpose, most (if not nearly all) of the content on Eporner.com consists of infringing copies of obviously copyrighted works, including those of Plaintiff. Profit Defendants earn through Eporner.com is, at least in a substantial part, the result of the infringing content displayed on the site, content belonging to Plaintiff and other content producers.

58. Typically, video hosting sites (for example, YouTube.com) require users to create an account in order to post videos, including an email address and user name. The videos thereafter posted are then associated with the respective user name.

59. However, Defendants do not present user names associated with respective user uploaded videos. Thus, it is impossible for a content producer to track which users are posting videos in violation of the producers' copyrights and those users can post with minimal fear of being identified by the intellectual property owner.

60. While the Terms of Service state that user information will be provided to content producers upon discovery of infringing activity, Defendants actually hide behind purported Polish privacy laws when asked to do so.

61. Users of Eporner.com are permitted to post videos anonymously. A user may sign up for an account to post without providing any actual information, including a valid email address. The user is merely required to make up a user name and password.

62. Plaintiff has documented instances whereby content that was previously subject to a DMCA notice was removed and then reposted days later using the exact same content, sample pictures, and length added back and made available on the Eporner website.

63. When a video streaming site like Eporner.com is first started, it is at its most fragile state, as the website contains no content and thus there is no value for any end user to visit the website. The proverbial question is how does a new site acquire it's initial content, which in turn gives users a reason to visit and return to the website in order to capture an audience. On a website like Eporner.com, users can post content and the owners/operators can also post content on the website.

64. At the inception of Eporner.com, the website exclusively featured short, promotional videos on Eporner.com. All the videos were 10 minutes in length or significantly less.

65. At a certain point, the website (almost over night) became full-length videos, and short clips for the most part ceased. Upon information and belief, these full-length videos were posted by Defendants or agents of Defendants at the direction of the Defendants.

66. Even though the website audience (and therefore the uploaders) are purportedly made up of a diverse group of countries, every title is written in the same language (English), in a similar format and an overwhelming majority of the videos have the very same punctuation (every letter of the descriptive title perfectly capitalized). There is simply little to no variance in the way the videos are titled.

67. Defendants themselves upload, review, and/or title the infringing videos to Eporner.com. In fact, the site's upload page confirms this when it states "[e]very day **we** are adding dozens of new porn videos and photos." (Emphasis added).

68. It is well known in the industry of Internet adult entertainment that full-length scenes or full-length videos displayed free are done so without authority or license from the content producer and/or copyright holder. Videos provided for promotional use are not full-length but rather teasers edited similar to that of a mainstream Hollywood Film Trailer providing enough to draw you into a paid theater on or offline without showing you all.

69. Almost all full-length videos contain branding and logos from the studios whom is the copyright holder. It is ***standard industry practice*** in the online adult industry to display an introductory animation with the studio or website name, a similar animation at the very end of the video, as well as the website/studio name URL watermarked in the corner of the video on every frame of every second of the video while it is played to further identify the copyright holder or the original source of the video. These watermarks also serve as clear, conspicuous, and obvious

copyright notices. For example, a video from Playboy will clearly be identified as Playboy material throughout the video clip.

70. On Eporner.com, beneath the preview image for each video, the site displays the number of views, the average user rating, and the length of the video in minutes and seconds.

71. The longer and/or more desirable a video is, the more views it gets on Eporner.com, as Internet visitors know that they are full-length videos and not promotional materials. Full-length scenes and videos generate more revenue for Defendants.

72. Defendants' revenue generated from the advertisements is based upon the number of ads displayed and/or the number of visitors the advertisements direct to the advertisers' websites.

73. Defendants' infringing activity leads to increased Internet traffic on Eporner.com and thus increases advertising revenue, as increased volume of Internet traffic increases both the amount of advertisements displayed to the users of its service and the rates that the Defendants charge for displaying the advertisements.

74. Defendants categorize videos found on Eporner.com under the terms "Full HD Porn," "FPS Porn," or "Full HD," and marks videos that fall under these categories with a special identified visible on the preview image of the video. Defendants, rather than users of Eporner.com, add these special identifiers to the videos.

75. Defendants incentivize users and third parties to display copyrighted content without authority on Eporner.com through a "webmaster" program. Webmasters, or "affiliates," are paid money by Defendants, through a United States company PayPal, to send Internet traffic to Eporner.com. Third Party Webmasters will populate their own website with links to materials on Eporner.com as it benefits a webmaster to post and share popular high quality infringing content

from Eporner.com, such as Plaintiffs, and then advertise the videos on their own sites, linking Internet users to Eporner.com as Eporner.com will pay them for doing so.

76. Videos on Eporner.com may be shared by the user with others, regardless of whether they have uploaded a video to the site, as the user is provided with direct links for posting on or to any social media site including, but not limited to, Facebook, Twitter, Google or via to Email to anyone regardless of age or location. Such functionality makes it impossible to know how many times and where an unlicensed copyrighted video has been posted and displayed illegally as a direct result of Defendants unlawful display.

77. At all times relevant to the infringing conduct alleged herein, Eporner.com failed to fulfill the requisite conditions precedent to qualify for the safe harbor provisions of the DMCA.

78. Defendants purport to have a repeat infringer policy, purportedly terminating a user if Eporner.com receives “three good faith and effective complaints within any contiguous six month period”. Such a limited policy is not reasonable and ineffective, especially considering the failure to require any actual information for users – a user that maybe terminated can simply, easily, and immediately create a new account without detection. Moreover, since Defendants fail to associate a posted video with a particular user, it is virtually impossible for content producers to track users repeatedly posting their content.

79. Upon information and belief, Defendants make no actual or effective effort to enforce a repeat infringer policy.

80. In or about November 2016, and for an unknown time before, Defendants’ website Eporner.com displayed 4 of Plaintiff’s copyright registered works over 10 separate and distinct URLs - each a part of Eporner.com. Defendants have no authority or license to display or distribute any portion of Plaintiffs’ copyrighted works. Attached hereto as Exhibit A is a list of all

Plaintiff videos displayed on Defendants' website, subject to DMCA notices, and corresponding copyright registration numbers.

81. On or about November 16, 2016, Plaintiff, or an authorized representative of Plaintiff, delivered to Defendant's DMCA Agent DMCA compliant take down notices for each of the registered works.

82. In or about January 2017, Defendants' website Eporner.com continued to display copyright registered works on the same URLs as were subject to the November 2016 DMCA compliant take down notices. Some of the material Plaintiff had noticed was removed, while other material was left online and the notices were ignored.

83. On or about January 12, 2017, Plaintiff, or an authorized representative of Plaintiff, delivered to Defendant's DMCA Agent subsequent DMCA compliant take down notices for Plaintiff's registered works displayed on Eporner.com. Each notice was a second notice from the November 2016 notices delivered.

84. On or about January 16, 2017, Plaintiff, or an authorized representative of Plaintiff, delivered to Defendant's DMCA Agent subsequent DMCA compliant take down notices for Plaintiff's registered works displayed on Eporner.com. Each notice was a third notice from the November 2016 notices delivered.

85. In some instances, the Plaintiffs' notice Eporner of infringing videos only to have those same videos reappear on the Eporner.com and Eprncdn.com site within a day or week of Eporner.com removing the same videos.

86. The operations of the website render a copyright holder's ability to police its copyrights on Eporner.com futile.

87. On receipt of *some* DMCA notices delivered by Plaintiff, Eporner did respond to some of Plaintiff's takedown requests by disabling access to stream those videos on the reported URLs in the notices.

88. Eporner offers other websites the ability to "embed" their videos on their site. In essence, Eporner provides codes to other website owners to use on their site, which will display that video to their audience, while still being hosted on Eporner.com. By not deleting the videos permanently from the servers, the infringed videos went on to be distributed through the video embeds other sites. There is no reasonable explanation for why when a DMCA complaint is received and responded to, the infringed videos are not actually deleted from the servers permanently, and purged from storage.

89. Further, upon information and belief, videos that are posted on Eporner.com are not uploaded by unrelated third party users, but by Defendants themselves or by persons employed by or contracted with Defendants for purpose of uploading content to the web site.

90. Upon information and belief, Defendants have actual knowledge and clear notice of the infringement of Plaintiff's titles or else is willfully blind to the rampant infringement. The infringement is clear and obvious even to the most naïve observer. Plaintiff's films are indexed by the Defendants, (meaning organized in such a way as to be searchable and easily found by specific information including, but not limited to, specific model names) displayed and distributed on Defendants' website through Defendant and the Doe Defendants acting in concert. Defendants' indexing is based upon Plaintiff's and other major producers' trademarks, which shows knowledge and intent.

91. By virtue of the conduct alleged herein, Defendants knowingly promote, participate in, facilitate, assist, enable, materially contribute to, encourage, and induce copyright infringement,

and thereby have infringed, secondarily infringed, and induced infringement by others, the copyrights in Plaintiffs' copyrighted work.

92. Defendants, either jointly, severally, actually, constructively, and with or without direct concert with one another, deprived Plaintiffs of the lawful monetary rewards that accompany its rights in the copyrighted works. Defendants disregard for copyright trademark laws threaten Plaintiff's business.

93. Defendants intentionally, knowingly, negligently, or through willful blindness avoided reasonable precautions to deter rampant copyright infringement on their website, while exercising the right and authority to control and end such infringement. Defendants do this for their own financial gain and benefit.

94. Defendants make no attempt to identify any individual providing the works, where the individual obtained the works, whether the individuals had authority to further reproduce and distribute the works or if such parties even exist.

95. Defendants' acts and omissions allow them to profit from their infringement while imposing the burden of monitoring Defendants' website onto copyright holders, without sufficient means to prevent continued and unabated infringement.

COUNT I
Copyright Infringement – 17 U.S.C. §§ 101 *et. seq.*
Against All Defendants (Owners/Operators of Eporner.com)

96. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1 through 84 above, and further states that:

97. Plaintiff holds the copyright on each of the infringed works alleged herein.

98. Plaintiff registered each copyright with the United States Copyright Office.

99. At all pertinent times, Plaintiff is the producers and registered owner of the audiovisual works illegally and improperly reproduced and distributed by Defendants.

100. Defendants copied, reproduced, reformatted, and distributed Plaintiff's copyrighted works to Eporner.com by and through servers and/or hardware owned, operated and/or controlled by Defendants.

101. Defendants did not have authority or license to copy and/or display Plaintiff's original works.

102. Defendants infringed Plaintiff's copyrighted works by reproducing and distributing works through Defendants' website Eporner.com without proper approval, authorization, or license of Plaintiff.

103. Defendants knew or reasonably should have known they did not have permission to exploit Plaintiff's works on Eporner.com and further knew or should have known their acts constituted copyright infringement.

104. Defendants made no attempt to discover the copyright owners of the pirated works before exploiting them. Defendants failed and refused to take any reasonable measure to determine the owner or license holder of the copyrighted works.

105. Defendants engaged in intentional, knowing, negligent, or willfully blind conduct sufficient to demonstrate they engaged actively in the improper collection and distribution of Plaintiff's copyrighted works.

106. The quantity and quality of copyright files available to Internet users increased the attractiveness of Defendants' service to its customers, increased its membership base, and increased its ad sales revenue.

107. Based on information and belief, Defendants actively uploaded and/or distributed pirated copyrighted files and/or embedded code, enabling users of Eporner.com to view copyrighted videos and images.

108. Defendants controlled the files owned by Plaintiff and determined which files remained for display and distribution.

109. Defendants never adopted procedures to ensure that distribution of Plaintiff's copyrighted materials would not occur. Further, Defendants never implemented or enforced a "repeat infringer" policy.

110. Defendants were either aware, actually or constructively, should have been aware, or were willfully blind that pirated copyrighted materials comprised the most popular videos on the Defendants websites.

111. Defendants, through Eporner.com, affirmatively and willfully accommodated Internet traffic generated by the illegal acts.

112. Defendants' conduct was willful within the meaning of 17 U.S.C. § 101, *et seq*. At a minimum, Defendants acted with willful blindness and reckless disregard of Plaintiff's registered copyrights.

113. Because of their wrongful conduct, Defendants are liable to Plaintiff for copyright infringement. See 17 U.S.C. §501. Plaintiff suffers and will continue to suffer substantial losses, including, but not limited to, damage to its business reputation and goodwill.

114. The law permits Plaintiff to recover damages, including readily ascertainable direct losses and all profits Defendants made by their wrongful conduct. 17 U.S.C. §504. Alternatively, Plaintiff is entitled to maximum statutory damages, pursuant to 17 U.S.C. § 504(c),

in the amount of $150,000 with respect to each work infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c).

115. Because of Defendants' willful infringement, the law permits enhancement of the allowable statutory damages. 17 U.S.C. §504(c) (2).

116. The law permits Plaintiff injunctive relief. 17 U.S.C. §502. Further, the law permits a Court Order impounding any and all infringing materials. 17 U.S.C. §503.

WHEREFORE, Plaintiff Apex Technology Group, Inc. requests the following relief:

A. That Defendants, their agents, servants, officers, directors, employees, attorneys, privies, representatives, successors and assigns and parent and subsidiary corporations or other related entities, and any or all persons in act of concert or participation with any of them, be preliminarily and permanently enjoined from:

(1) Any and all reproduction, adaptation, public display and/or distribution of copies of Plaintiff's copyrighted works by Defendants on any website, including but not limited to Eporner.com;

(2) Permitting any user to upload for reproduction, adaptation, public display and/or distribution of copies of the Plaintiff's copyrighted works by Defendants on any website, including but not limited to Eporner.com; and

(3) Marketing or selling any product containing or utilizing Plaintiff's intellectual property or business values.

B. That Defendants be ordered to transfer the domain Eporner.com, and all similar domains held by Defendants found in discovery, such as misspellings of the enumerated domains, domains held by Defendants linked to Eporner.com, and the content therein to Plaintiff.

C. That Defendants be ordered to file with the Court and serve upon Plaintiff, within thirty (30) after the entry of an injunction, a report in writing and under oath, setting forth in detail the manner and form in which Defendants have complied with any ordered injunction;

D. That Plaintiff be awarded damages in an amount to be determined at trial for all infringing activities, including Plaintiff's damages and lost profits, Defendants' profits, plus any costs incurred in preventing future confusion, mistake or deception, all from the date of first infringement;

E. That Defendants be ordered to account to Plaintiff for all profits, gains and advantages that they have realized as a consequence of their unauthorized use of Plaintiff's copyrighted works;

F. That Plaintiff be awarded enhanced damages and attorney's fees;

G. That Plaintiff be awarded pre-judgment and post-judgment interest;

H. That Plaintiff be awarded costs and expenses incurred in prosecuting this action, including expert witness fees; and

I. That such other and further preliminary and permanent relief be awarded to Plaintiff as the Court deems appropriate.

COUNT II
Contributory Copyright Infringement
Against All Defendants (Owners/Operators of Eporner.com)

117. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1 through 105 above and further states that:

118. Unknown individuals, without authorization, reproduced and distributed Plaintiff's works through Defendants' websites, directly infringing Plaintiff's copyrighted works.

119. Defendants contributed to the infringing acts of those individuals.

120. Defendants were aware, should have been aware, or were willfully blind to the infringing activity.

121. Defendants aided, abetted, allowed, and encouraged those individuals to reproduce and distribute Plaintiff's copyrighted works through Defendants' website without regard to copyright ownership.

122. Defendants had the ability and obligation to control and stop the infringements. Defendants failed to do so.

123. Defendants have engaged in the business of knowingly inducing, causing, and/or materially contributing to unauthorized reproduction, adaptation, public display and/or distribution of copies of the Plaintiff's copyrighted works, and thus to the direct infringement of Plaintiff's copyrighted works.

124. Defendants received direct financial benefits from the infringements.

125. On information and belief, Defendants' actions constitute contributory infringement of Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's copyrighted works in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

126. The unauthorized reproduction, distribution, and public display of Plaintiff's copyrighted works that Defendant enables, causes, materially contributes to and encourages through the acts described above are without Plaintiff's consent and are not otherwise permissible under the Copyright Act.

127. The acts of infringement by Defendants have been willful, intentional, and purposeful and in reckless disregard of and with indifference to Plaintiff's rights.

128. As a direct and proximate result of the infringements by Defendants of Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's copyrighted works, Plaintiff is entitled to its actual damages and Defendants' profits pursuant to 17 U.S.C. § 504(b).

129. Alternatively, Plaintiff is entitled to maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of $150,000 with respect to each work infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c).

130. Plaintiff is further entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

WHEREFORE, Plaintiff Apex Technology Group, Inc. requests the following relief:

A. That Defendants, their agents, servants, officers, directors, employees, attorneys, privies, representatives, successors and assigns and parent and subsidiary corporations or other related entities, and any or all persons in act of concert or participation with any of them, be preliminarily and permanently enjoined from:

(1) Any and all reproduction, adaptation, public display and/or distribution of copies of Plaintiff's copyrighted works by Defendants on any website, including but not limited to Eporner.com;

(2) Permitting any user to upload for reproduction, adaptation, public display and/or distribution of copies of the Plaintiff's copyrighted works by Defendants on any website, including but not limited to Eporner.com; and

(3) Marketing or selling any product containing or utilizing Plaintiff's intellectual property or business values.

B. That Defendants be ordered to transfer the domain Eporner.com, and all similar domains held by Defendants found in discovery, such as misspellings of the enumerated domains, domains held by Defendants linked to Eporner.com, and the content therein to Plaintiff.

C. That Defendants be ordered to file with the Court and serve upon Plaintiff, within thirty (30) after the entry of an injunction, a report in writing and under oath, setting forth in detail the manner and form in which Defendants have complied with any ordered injunction;

D. That Plaintiff be awarded damages in an amount to be determined at trial for all infringing activities, including Plaintiff's damages and lost profits, Defendants' profits, plus any costs incurred in preventing future confusion, mistake or deception, all from the date of first infringement;

E. That Defendants be ordered to account to Plaintiff for all profits, gains and advantages that they have realized as a consequence of their unauthorized use of Plaintiff's copyrighted works;

F. That Plaintiff be awarded enhanced damages and attorney's fees;

G. That Plaintiff be awarded pre-judgment and post-judgment interest;

H. That Plaintiff be awarded costs and expenses incurred in prosecuting this action, including expert witness fees; and

I. That such other and further preliminary and permanent relief be awarded to Plaintiff as the Court deems appropriate.

COUNT III
Vicarious Copyright Infringement
Against All Defendants (Owners/Operators of Eporner.com)

131. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1 through 119 above and further states that:

132. Without authorization, individuals reproduced, distributed, and publicly displayed Plaintiff's works through Defendants' website, directly infringing Plaintiff's copyrighted works.

133. Defendants were actually or constructively aware or should have been aware or were willfully blind to the infringing activity.

134. Defendants were able to control or completely end the illegal and improper infringement, but failed to do so.

135. Defendants contributed materially to the infringement.

136. Defendants received direct financial gain and profit from those infringing activities.

137. The acts, omissions, and conduct of all Defendants constitute vicarious copyright infringement.

138. The acts of infringement by Defendants have been willful, intentional, and purposeful and in reckless disregard of and with indifference to Plaintiff's rights. As a direct and proximate result of the infringements by Defendants of Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's copyrighted works, Plaintiff is entitled to their actual damages and Defendants' profits pursuant to 17 U.S.C. § 504(b).

139. Alternatively, Plaintiff is entitled to maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of $150,000 with respect to each work infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c).

140. Plaintiff is further entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

WHEREFORE, Plaintiff Apex Technology Group, Inc. requests the following relief:

A. That Defendants, their agents, servants, officers, directors, employees, attorneys, privies, representatives, successors and assigns and parent and subsidiary corporations or other related entities, and any or all persons in act of concert or participation with any of them, be preliminarily and permanently enjoined from:

(1) Any and all reproduction, adaptation, public display and/or distribution of copies of Plaintiff's copyrighted works by Defendants on any website, including but not limited to Eporner.com;

(2) Permitting any user to upload for reproduction, adaptation, public display and/or distribution of copies of the Plaintiff's copyrighted works by Defendants on any website, including but not limited to Eporner.com; and

(3) Marketing or selling any product containing or utilizing Plaintiff's intellectual property or business values.

B. That Defendants be ordered to transfer the domain Eporner.com, and all similar domains held by Defendants found in discovery, such as misspellings of the enumerated domains, domains held by Defendants linked toEporner.com, and the content therein to Plaintiff.

C. That Defendants be ordered to file with the Court and serve upon Plaintiff, within thirty (30) after the entry of an injunction, a report in writing and under oath, setting forth in detail the manner and form in which Defendants have complied with any ordered injunction;

D. That Plaintiff be awarded damages in an amount to be determined at trial for all infringing activities, including Plaintiff's damages and lost profits, Defendants' profits, plus any costs incurred in preventing future confusion, mistake or deception, all from the date of first infringement;

E. That Defendants be ordered to account to Plaintiff for all profits, gains and advantages that they have realized as a consequence of their unauthorized use of Plaintiff's copyrighted works;

F. That Plaintiff be awarded enhanced damages and attorney's fees;

G. That Plaintiff be awarded pre-judgment and post-judgment interest;

H. That Plaintiff be awarded costs and expenses incurred in prosecuting this action, including expert witness fees; and

I. That such other and further preliminary and permanent relief be awarded to Plaintiff as the Court deems appropriate.

COUNT IV
Inducement of Copyright Infringement
Against All Defendants (Owners/Operators of Eporner.com)

141. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1 through 129 above and further states that:

142. Defendants designed and/or distributed technology and/or devices and/or html code and/or induced individuals to use this technology to promote the use of infringed and copyrighted material. As a direct and proximate result of Defendants' inducement, individuals infringed Plaintiff's copyrighted works. These individuals reproduced, distributed and publicly disseminated Plaintiff's copyrighted works through Defendants' website.

143. On information and belief, Defendants have encouraged through direct and indirect compensation the illegal uploading and downloading of Plaintiff's copyrighted works, thus inducing the unauthorized reproduction, adaptation, public display and/or distribution of copies of the Plaintiff's copyrighted works, and thus to the direct infringement of Plaintiff's copyrighted works.

144. Defendants' actions constitute inducing copyright infringement of Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's copyrighted works in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

145. The infringement of Plaintiff's rights in and to each of the Plaintiff's copyrighted works constituted a separate and distinct infringement.

146. The acts of infringement by Defendants have been willful, intentional, purposeful and in reckless disregard of and with indifference to Plaintiff's rights.

147. As a direct and proximate result of the infringements by Defendants of Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's copyrighted works, Plaintiff is entitled to actual damages and Defendants' profits pursuant to 17 U.S.C. § 504(b).

148. Alternatively, Plaintiff is entitled to maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of $150,000 with respect to each work infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c).

149. Plaintiff is further entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

WHEREFORE, Plaintiff Apex Technology Group, Inc. requests the following relief:

A. That Defendants, their agents, servants, officers, directors, employees, attorneys, privies, representatives, successors and assigns and parent and subsidiary corporations or other related entities, and any or all persons in act of concert or participation with any of them, be preliminarily and permanently enjoined from:

(1) Any and all reproduction, adaptation, public display and/or distribution of copies of Plaintiff's copyrighted works by Defendants on any website, including but not limited to Eporner.com;

(2) Permitting any user to upload for reproduction, adaptation, public display and/or distribution of copies of the Plaintiff's copyrighted works by Defendants on any website, including but not limited to Eporner.com; and

(3) Marketing or selling any product containing or utilizing Plaintiff's intellectual property or business values.

B. That Defendants be ordered to transfer the domain Eporner.com, and all similar domains held by Defendants found in discovery, such as misspellings of the enumerated domains, domains held by Defendants linked to Eporner.com, and the content therein to Plaintiff.

C. That Defendants be ordered to file with the Court and serve upon Plaintiff, within thirty (30) after the entry of an injunction, a report in writing and under oath, setting forth in detail the manner and form in which Defendants have complied with any ordered injunction;

D. That Plaintiff be awarded damages in an amount to be determined at trial for all infringing activities, including Plaintiff's damages and lost profits, Defendants' profits, plus any costs incurred in preventing future confusion, mistake or deception, all from the date of first infringement;

E. That Defendants be ordered to account to Plaintiff for all profits, gains and advantages that they have realized as a consequence of their unauthorized use of Plaintiff's copyrighted works;

F. That Plaintiff be awarded enhanced damages and attorney's fees;

G. That Plaintiff be awarded pre-judgment and post-judgment interest;

H. That Plaintiff be awarded costs and expenses incurred in prosecuting this action, including expert witness fees; and

I. That such other and further preliminary and permanent relief be awarded to Plaintiff as the Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff hereby respectfully demands a jury trial as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

DATED: March 21, 2017.

Respectfully submitted,

/s/ Spencer D. Freeman
Spencer D. Freeman
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Counsel for Plaintiff

EXHIBIT A

LIST OF INFRINGING WORKS ON EPORNER.COM

Copyright Registration Number	Title of Work	Infringing Link
PA 1-985-835	Allie Gets A Creampie	http://www.eporner.com/hd-porn/EyYoBEpbRtL/Allie-likes-to-be-creamy/
PA 1-985-835	Allie Gets A Creampie	https://www.eporner.com/hd-porn/EyYoBEpbRtL/Allie-likes-to-be-creamy/
PA 1-985-835	Allie Gets A Creampie	http://www.eporner.com/hd-porn/vStc7O2zHYr/Naughty-Allie-Creampie/
PA 1-988-550	Hunting for Cock	http://www.eporner.com/hd-porn/3foqrXpGWTQ/Naughty-Allie/
PA 1-985-776	I Introduced Jake To My New Friend	http://www.eporner.com/hd-porn/AsTfL3T9ytE/naughty-allie/
PA 1-987-760	Titty Fucking Phone Sex	http://www.eporner.com/hd-porn/57qf374A5kc/Allie-has-some-fun/
PA 1-987-760	Titty Fucking Phone Sex	http://www.eporner.com/hd-porn/BzDlxcG7zcG/Naughty-Allie-Titfuck-on-Phone/
PA 1-987-760	Titty Fucking Phone Sex	http://www.eporner.com/hd-porn/Q54iYRpnNC7/Allie-gets-her-tits-fucked-while-talking-on-the-phone/
PA 1-987-760	Titty Fucking Phone Sex	http://www.eporner.com/hd-porn/qWWlHfUBrzQ/Naughty-Allie-Titty-Fuck-While-Phone-Talking/
PA 1-987-760	Titty Fucking Phone Sex	http://www.eporner.com/hd-porn/SZBrkBQ575e/Naughty-Allie-Titty-Fucking-Phone-Sex/